IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

Tr.P(C).No. 155 of 2007()

OP.803/2005 of FAMILY COURT, THIRUVALLA

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PETITIONER

RANI JOSE, D/O. CHACKO,
VATHALLOOR HOUSE, ELAMANNOOR MURI,
ENATHIMANGALAM VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.ABRAHAM SAMSON
SMT.LOVELY SAMSON

RESPONDENTS:

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1. JOSE VARGHESE, S/O. VARGHESE,
PLAVILA HOUSE, KULATHOOR MURI, KOODAL VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT, NOW AT
KUWAIT RESORT COMPANY, POST BOX NO.7887,
FAHAHEEL-64009, KUWAIT.

2. VARGHESE, S/O. ZACHARIAH OF PLAVILA
HOUSE, KULATHOOR MURI, KOODAL VILLAGE,
ADOOR TALUK, PATHANAMTHITTA.

R1 BY ADV. SRI.V.PHILIP MATHEW

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. 1671/07 IN Tr.P.C. 155/07

DISMISSED:

20/8/2007 SD/- M.N.KRISHNAN, JUDGE

jj /TRUE COPY/

P.A. TO JUDGE

M.N.KRISHNAN, J.

Tr.P.C.No. 155 OF 2007

Dated this th 20th August, 2007.

JUDGMENT

This transfer petition is filed to effect a transfer of O.P.803/05 pending before the Family Court at Thiruvalla to the Family Court at Kottarakkara. The said O.P is one for realisation of the amount and the wife is the transfer petitioner. It is submitted by her that her mother is a chronic hypertensive diabetic patient and the father is a patient of acute kidney malfunctioning and the petitioner has got a school going daughter and that she has to look after all these persons and it causes difficulty for her to reach Thiruvalla by travelling more than 50 kms. and there is nobody to accompany the petitioner and also to help in the nursing of parents. Learned counsel for the respondent would submit that the grounds alleged are not true and no inconvenience will be caused if she wants to travel to Thiruvalla and further her difficulties can be cured by directing the matter to be taken at Pathanamthitta camp sitting or by making her presence only when it is inevitable. These are all matters which has to be considered in this case. The wife has averred about the ailment of the parents and also her necessity to look after the school going daughter. Therefore when the comparative

hardship of the parties are taken into consideration the wife is having a better case than the husband. The difficulty that may be caused for the husband can be minimised by directing the court not to insist for his personal appearance in all days especially in the back drop of the fact that the O.P is only concerning realisation of the amount. Therefore, I am inclined to allow the transfer petition and make it clear that the transferee court shall not insist for the presence of respondents in the O.P for each and every hearing date and further when a genuine application is filed for exemption it has to be considered sympathetically and the matter can be also listed and by adopting day to day trial so that the difficulties can be lessened. With these observations O.P.803/05 pending before the Family Court, Thiruvalla is transferred to the Family Court at Kottarakara. Transfer petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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